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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,557	01/25/2002	Douglas Paul Allard	11533.0025.NPUS00	4676
7590 11/05/2003				
Howrey Simon Arnold & White				
750 Bering Drive				
Houston, TX 77057				
EXAMINER				
THEISEN, DOUGLAS J				
ART UNIT				
PAPER NUMBER				
1724				

DATE MAILED: 11/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/057,557	Applicant(s) ALLARD, DOUGLAS PAUL	
	Examiner Douglas J. Theisen	Art Unit 1724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5302002</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 3 is objected to because of the following informalities: The period is missing at the end of the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claim 10 is rejected under 35 U.S.C. 102(a) as being anticipated by the reference from Natural Site Solutions. Natural Site Solutions describes a water clarifying apparatus comprising a first water delivery device (incoming turbid water from construction site); a coupling having a first end, a second end, and one or more applications of chitosan located in a midsection (Gel-Floc anchored inside pipe), with the first end of the pipe being threaded so that it can be attached to an outlet of the first water delivery device and the second end of the pipe being threaded so that it can be attached to an inlet of the second water delivery device; and a second water delivery device (biofiltration, sand filtration, or gravity settling). (See the drawing on page 2 of the reference.)

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent no. 1,161,750 to Strohmenger in view of the reference from Natural Site Solutions. Strohmenger describes a coupling capable of passing fluid comprising a first end defining an opening therethrough; a second end defining an opening therethrough; a midsection located between the two ends; an auxiliary opening located along the midsection (plate b covers the opening); and a coagulant c. Plate b is a removable lid closing off the auxiliary opening with the coagulant anchored to the lid. The diameter of the midsection is substantially greater (about twice as can be seen in the drawing) than the diameter of either end opening. (See the drawing and column 1, line 10 to column 2, line 59.)
6. Strohmenger does not disclose the use of chitosan as the coagulant. Strohmenger also does not indicate a first or second water delivery device.
7. Natural Site Solutions describes a water clarifying apparatus comprising a first water delivery device (incoming turbid water from construction site); a coupling having a first end, a second end, and one or more applications of chitosan located in a midsection (Gel-Floc anchored inside pipe), with the first end of the pipe being threaded so that it can be attached to an outlet of the first water delivery device and the second end of the pipe being threaded so that it can be attached to an inlet of a second water delivery device; and a second water delivery device (biofiltration, sand filtration, or gravity settling). (See the drawing on page 2 of the reference.)
8. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to place any known coagulant, such as the chitosan of Natural Site

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Solutions, in place of the coagulant of Strohmenger in order to purify water. Since the apparatus of Strohmenger needs to have a water delivery device to the apparatus and a water delivery device from the apparatus for the apparatus to function, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a first water delivery device, such as the incoming turbid water from construction site of Natural site solutions, and a second water delivery device, such as the biofiltration, sand filtration, or gravity settling of Natural Site Solutions, in Strohmenger in order to have a supply of water to be purified and a discharge of purified water.

9. Claims 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent no. 1,161,750 to Strohmenger in view of the reference from Natural Site Solutions as applied to claims 1-16 above, and further in view of U.S. patent no. 6,334,953 to Singleton.

10. Strohmenger and Natural Site Solutions do not disclose the use of a dewatering bag.

11. Singleton discloses the use of a dewatering bag (filter bag 16) attached to an outlet pipe 11 in a storm water drainage system. (See figure 1 and column 3, line 29 to column 4, line 40.)

12. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use a dewatering bag to filter the coagulated sediment in water of Natural Site Solutions to provide clean water since Singleton discloses the use of a dewatering bag to filter storm water.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas J. Theisen whose telephone number is 703-305-

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6499. The examiner can normally be reached on Monday, Tuesday, and Wednesday 6:30 until 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on 703-308-1261. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.


BLAINE COPENHEAVER
SUPERVISOR
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